

EXHIBIT 1

7374j smarchi onne

0001

1 IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

2 EASTERN DIVISION

3

4 MI YANO MACHI NERY USA I NC. ,)

)

5 P l a i n t i f f ,)

)

6 -VS-) CIVIL ACTION

) NO. 08 C 526

7 MI YANOHI TEC MACHI NERY,)

INC., THOMAS ("TOM") MIYANO)

8 a/k/a TOSHI HARU MI YANO and)

STEVEN MI YANO, a/k/a)

9 SHI GEMORI MI YANO,

)

10 Defendant.)

11

12 DEPOSITION OF HENRY MARCHIONNE

13 MARCH 3, 2008 - 10:04 A.M.

14

15 The deposition of HENRY MARCHI ONNE,
16 taken pursuant to the Rules of Civil Procedure
17 for the United States District Courts pertaining
18 to the taking of depositions, taken before Jerry
19 Satterlee, a Certified Shorthand Reporter within
20 and for the State of Illinois, at 77 West
21 Washington Street, Suite 900, Chicago, Illinois.

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23

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5 specul ati on.

6 BY THE WITNESS:

7 A. In Indi a.

8 BY MR. MANZO:

9 Q. What is the basi s for your
10 understanding?

11 A. I was told by Tom Mi yano.

12 Q. Do you know who he is going to have
13 produce the goods?

14 A. As far as I know, he says it will be
15 built in Indi a because he had told me that he was
16 going to get one in this year sometime, you know.
17 So he really doesn't have a product yet. That is
18 why I coul dn't -- can't expl ain to you how do I
19 know it is going to be a problem for us. He
20 doesn't have the product on the market yet, but
21 he is going to be in the IMTS and he will have a
22 machine then at that time. That I know will be a
23 concern to us.

24 MR. BAKER: I move to strike.

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1 BY THE WITNESS:

2 A. Because it may if it is an inferior
3 product, it will hurt our name and destroy our
4 reputati on because if we are connected wi th it.

5 MR. BAKER: Are you fi ni shed?

6 THE WITNESS: Yes.

7 MR. BAKER: I move to strike everything
8 after the first sentence of the answer as
9 nonresponsi ve.

10 BY MR. MANZO:

11 Q. Do you have an opi ni on as to whether
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12 the presence of Tom Miyano through MiyanoHi tec
13 Machinery at the forthcoming IMTS show in 2008, on
14 the assumption that he exhibits a product, a
15 turning product, will be a problem for MMU?

16 MR. BAKER: Objection, calls for an opinion
17 from a lay witness. Objection, also calls for
18 speculation and it is also an incomplete
19 hypothetical.

20 THE WITNESS: Do I answer?

21 BY MR. MANZO:

22 Q. Yes.

23 A. I think he will because he is
24 well-known in the industry. Everybody knows Tom
0123

1 Miyano, all the machine tool builders. You know,
2 he is very well known. They like him. I like
3 him too.

4 Q. And so your answer to the question was
5 what?

6 MR. BAKER: Let's have it read back.

7 (THE RECORD WAS READ.)

8 BY MR. MANZO:

9 Q. Mr. Marchionne, what concerns does MMU
10 have with MiyanoHi tec Machinery exhibiting turning
11 machines at the IMTS 2008 show?

12 MR. BAKER: Calls for speculation.

13 Are you asking him to testify on
14 behalf of the company or are you asking his own
15 personal knowledge?

16 MR. MANZO: At this point I am asking for
17 his personal knowledge.